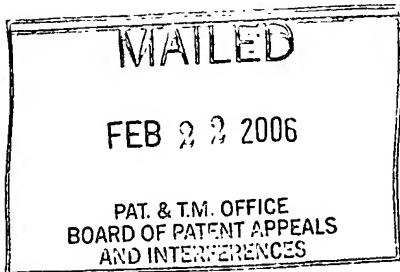




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally Gardner Lane
Telephone: (571) 272-9797
Facsimile: (571) 273-0042



Applicants: Maliga et al.
Application No.: 10/088,634
Filed: 10/16/02
For: Site-Specific Recombination system
to manipulate the plastid genome of
higher plants

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,420.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

Sally Gardner Lane
Administrative Patent Judge

1
2 Mail Stop Interference
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6 Fax: 571-273-0042

Filed
22 February 2006

7 UNITED STATES PATENT AND TRADEMARK OFFICE
8
9

10 BEFORE THE BOARD OF PATENT APPEALS
11 AND INTERFERENCES
12

13
14 JEFFREY M. STAUB,
15 PETER H.J. HAJDUKIEWICZ, and LARRY GILBERTSON,
16 Junior Party
17 (Patent 6,849,778),

18 v.
19
20

MAILED

21 PAL MALIGA
22 and SYLVIE CORNEILLE
23 Senior Party
24 (Application 10/088,634).
25

FEB 22 2006

RECEIVED
U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

26 Patent Interference No. 105,420
27 (Technology Center 1600)
28

29 DECLARATION - Bd.R. 203(d)¹
30
31

32 Part A. Declaration of interference

33 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
34 parties. Details of the application(s), patent (if any), reissue application (if any),
35 count(s) and claims designated as corresponding or as not corresponding to the
36 count(s) appear in Parts E and F of this DECLARATION.

37 Part B. Judge managing the interference

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Administrative Patent Judge Sally Gardner Lane has been designated to
2 manage the interference. Bd. R. 104(a).

3 **Part C. Standing order**

4 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
5 DECLARATION. The STANDING ORDER applies to this interference.

6 **Part D. Initial conference call**

7 A telephone conference call to discuss the interference is set for **2:00 pm on**
8 **4 April 2006** (the Board will initiate the call).

9 No later than **four business days** prior to the conference call, each party shall
10 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
11 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

12 A sample schedule for taking action during the motion phase appears as Form 2
13 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
14 the conference call and to agree on dates for taking action. A typical motion period
15 lasts approximately eight (8) months. Counsel should be prepared to justify any
16 request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Jeffrey M. Staub
Chesterfield, MO

Peter H. J. Hajdukiewicz
Chesterfield, MO

Larry Gilbertson
Chesterfield, MO

Involved Patent: 6,849,778, issued on 1 February 2005
from application 09/688,851, filed 16 October 2000

Title: METHODS AND VECTORS FOR SITE-SPECIFIC RECOMBINATION IN PLANT CELL PLASTIDS

Assignee: CALGENE, LLC and MONSANTO COMPANY

Senior Party

Named Inventors: Pal Maliga
East Brunswick, NJ

Sylvie Corneille
Highland Park, NJ

Involved Application: 10/088,634, filed 16 October 2002

Title: SITE-SPECIFIC RECOMBINATION SYSTEM TO MANIPULATE THE PLASTID GENOME OF HIGHER PLANTS

Assignee: RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY

33 The senior party is assigned exhibit numbers 1001-1999. The junior party is
34 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party
35 is responsible for initiating settlement discussions. SO ¶ 126.1.
36

1 **Part F. Count and claims of the parties**

2 Count 1

3 Claim 1 of Maliga

4 or

5 Claim 2 of Staub.

6 The claims of the parties are:

7 Maliga: 1-21

8 Staub: 1-4

9 The claims of the parties which correspond to Count 1 are:

10 Maliga: 1-21

11 Staub: 1-4

12 The claims of the parties which do not correspond to Count 1, and therefore are

13 not involved in the interference, are:

14 Maliga: None

15 Staub: None

16 The parties are accorded the following benefit for Count 1:

17 Maliga:

18 PCT/US00/25930, filed 21 September 2000

19 US 60/211,139, filed 13 June 2000

20 US 60/155,007, filed 21 September 1999

21 Staub:

22 US 60/225,542, filed 16 August 2000

23 US 60/159,876, filed 15 October 1999

1

2 Part G. Heading to be used on papers

3 The following heading must be used on all papers filed in this interference, see

4 SO 106.1.1:

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18 V

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20 PAL MALIGA
21 and SYLVIE CORNEILLE
22 Senior Party
23 (Application 10/088,634).

25 Patent Interference No. 105,420

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite

30 processing of the request. Please attach a copy of Parts E and F of this

31 DECLARATION with a hand-drawn circle around the patents and applications for which
32 a copy of a file wrapper is requested.

/Sally Gardner Lane/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 6,849,778
Copy of claims of 10/088,634
Copy of default times for taking action

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Staub:

Monsanto Company
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St. Louis, MO 63167

Tel: 314-694-2547

Attorney for Malia:

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